

REMARKS

Entry of the amendments is respectfully requested. Claims 1-35 are pending in the application. Claims 14 and 23 have been amended to further define the invention. Favorable reconsideration and allowance of the present application is respectfully requested in view of the foregoing amendments and in view of the reasons which follow.

In a response to the First Office Action (dated July 17, 2002) that was mailed October 16, 2002, a Proposed Changes to the Drawings was filed in which amendments were proposed to Figures 1-6. In the Final Office Action dated December 18, 2002 and the Non-Final Office Action dated June 6, 2003, the Examiner did not indicate whether the proposed changes to the drawings were accepted. Approval of the proposed drawing changes is hereby respectfully requested.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

1. Claim Rejections – 35 U.S.C. §102(e)

Claims 1, 5, 9, 10, 14, 20, 21, 23, 29, 30 and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by Evans (U.S. 5,924,074). Applicants respectfully traverse the rejection. Claims 14 and 23 have been amended to further define the invention.

Independent claim 1 requires, among other limitations, a first application configured to display patient images for a patient, to generate a patient context for the patient and to provide the patient context to a second application configured to display patient data based on the patient context.

Amended claim 14 requires, among other limitations, generating a patient context for a patient using a first application, providing the patient context from the first application to the second application on the workstation, receiving a second set of patient data based on the

patient context and displaying the second set of patient data using the second application on the workstation.

Amended claim 23 requires, among other limitations, a means for generating a patient context for a patient using a first application, a means for providing the patient context from the first application to the second application on the workstation, a means for receiving a second set of patient data based on the patient context and a means for displaying the second set of patient data using the second application on the workstation.

Independent claim 32 requires, among other limitations, a first application configured to retrieve and display patient images for a patient and to generate patient context data associated with the patient and a second application in data communication with the first application and configured to receive the patient context data from the first application and to retrieve patient textual data for the patient on the display based on the patient context data.

As discussed in the specification, in exemplary embodiments, patient context information is shared between a first application and a second application operating on a single workstation. See, Specification, page 2, lines 4-5, page 4, lines 8-13 and page 7, lines 4-8. The second application is configured to display patient data on the display unit based on the patient context provided by the first application. See, Specification, page 8, lines 5-12. Accordingly, the patient data information system allows multiple applications residing on the same workstation to exchange patient context data. See, Specification, page 7, lines 4-8 and lines 19-22.

In contrast, Evans does not teach does not teach, suggest or disclose a first application configured to display patient data such as patient images, to generate a patient context and to provide the patient context to a second application configured to retrieve and display patient data based on the patient context. Rather, Evans teaches an electronic medical record (EMR) system that includes a point of care system 100 and a patient data repository 102. See, Evans, Figure 1, col. 4, line 64 to col. 5, line 1. The point of care system 100 includes a graphical user interface that has multiple windows such as a patient chart window 150 that present a patient record graphically using a tabbed layout. See, Evans, Figure 5, col. 6, lines 37-44. By

selecting (e.g., pointing and clicking) tabs a user may access further windows to enter, annotate or view data from the patient record. See, Evans, Figures 5-8, col. 6, line 44 to col. 7, line 40. The portion of Evans cited by the Examiner as anticipating claims 1, 14, 23, and 32 describes using the patient chart window 180 of the point of care system 100 to view patient data from the patient record. See, Evans, Figure 8, col. 7, lines 28-40. In particular, Evans discloses:

“Lastly, as shown in FIG. 8, a healthcare provider uses the patient chart window 180 to view patient data. First, the healthcare provider selects a view item 182 by either pointing and clicking twice on the item in a list displayed in the folder window 184 or by pointing at the item in the list and pressing the view button 183. The double click opens a viewer window 185 to display the view item 182. For example, the viewer window 185 of FIG. 8 displays an x-ray 186. As before, the healthcare provider may annotate the x-ray 186 with comments and observations by clicking on the annotate button 187. The healthcare provider may likewise close the viewer window 185 by clicking on the close button 189. See, Evans, Figure 8, col. 7, lines 28-40.”

Evans teaches a point of care system that may be used to enter, annotate or view data in a patient record. Evans, however, does not teach or suggest a first application configured to display patient data such as patient images, to generate a patient context and to provide the patient context to a second application configured to retrieve and display patient data based on the patient context. Accordingly, claims 1 and 32 and amended claims 14 and 23 are allowable over Evans.

Claims 5 and 9-10 depend from claim 1 and incorporate all of the limitations of claim 1 and are therefore allowable over Evans for, among other reasons, the same reasons as given above with respect to claim 1. Claims 20-21 depend from amended claim 14 and incorporate all of the limitations of amended claim 14 and are therefore allowable over Evans for, among other reasons, the same reasons as given above with respect to amended claim 14. Claims 29 and 30 depend from amended claim 23 and incorporate all of the limitations of amended claim 23 and are therefore allowable over Evans for, among other reasons, the same reasons as given above with respect to amended claim 23.

Accordingly, claims 1, 5, 9, 10, 14, 20, 21, 23, 29, 30 and 32 are believed to be allowable. Withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of claims 1, 5, 10, 14, 20, 21, 23, 29, 30 and 32 is respectfully requested.

2. Claim Rejections 35 U.S.C. §103(a)

Claims 2, 18-19, 27-28 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Rock et al. ("Rock," U.S. 6,032,120). Claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Rock and further in view of Wong et al. ("Wong," U.S. 6,260,021). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Evans.

a. Allowability of Claims 2, 18-19, 27-28 and 33

Claim 2 depends from claim 1 and incorporates all of the limitations of claim 1 and is therefore allowable over Evans in view of Rock for, among other reasons, the same reasons as given above with respect to claim 1. Claims 18-19 depend from amended claim 14 and incorporate all of the limitations of claim amended 14 and are therefore allowable over Evans in view of Rock for, among other reasons, the same reasons as given above with respect to amended claim 14. Claims 27-28 depend from amended claim 23 and incorporate all of the limitations of amended claim 23 and are therefore allowable over Evans in view of Rock for, among other reasons, the same reasons as given above with respect to amended claim 23. Claim 33 depends from claim 32 and incorporates all of the limitations of claim 32 and is therefore allowable over Evans in view of Rock for, among other reasons, the same reasons as given above with respect to claim 32.

Accordingly, claims 2, 18-19, 27-28 and 33 are believed to be allowable. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 2, 18-19, 27-28 and 33 is respectfully requested.

b. Allowability of Claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35

Claims 3, 6-8 and 11-13 depend from claim 1 and incorporate all of the limitations of claim 1 and are therefore, allowable over Evans in view of Rock and further in view of Wong

for, among other reasons, the same reasons as given above with respect to claim 1. Claims 15-17 and 22 depend from amended claim 14 and incorporate all of the limitations of amended claim 14 and are therefore allowable over Evans in view of Rock and further in view of Wong for, among other reasons, the same reasons as given above with respect to amended claim 14. Claims 24-26 and 31 depend from amended claim 23 and incorporate all of the limitations of amended claim 23 and are therefore allowable over Evans in view of Rock and further in view of Wong for, among other reasons, the same reasons as given above with respect to amended claim 23. Claims 35 and 35 depend from claim 32 and incorporate all of the limitations of claim 32 and are therefore, allowable over Evans in View of Rock and further in view of Wong for, among other reasons, the same reasons as given above with respect to claim 32.

Accordingly, claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 are believed to be allowable. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 is respectfully requested.

c. Allowability of Claim 4

Claim 4 depends from claim 1 and incorporates all of the limitations of claim 1 and is therefore allowable over Evans for, among other reasons, the same reasons as given above with respect to claim 1.

Accordingly, claim 4 is believed to be allowable. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claim 4 is respectfully requested.

3. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2401. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2401. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2401.

Respectfully submitted,

Date 9/8/03

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